

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

BROADCAST MUSIC, INC.; EMI BLACKWOOD
MUSIC, INC.; HIDDEN PUN MUSIC, INC.; KISSING BOOTH
MUSIC, INC.; TOTALLED, INC. d/b/a SUSHI TOO MUSIC;
CARL PERKINS MUSIC, INC.; FOURTEENTH HOUR
MUSIC, INC.; PRONTO MUSIC, a division of COTILLION
MUSIC, INC.; SONY/ATV SONGS LLC d/b/a SONY/ATV TREE
PUBLISHING; WARNER- TAMERLANE PUBLISHING CORP.;
UNIVERSAL-DUCHESS CORPORATION; EMI VIRGIN
SONGS, INC. d/b/a EMI LONGITUDE MUSIC;
PEERMUSIC III LTD.; STEPHANIE NICKS, an individual d/b/a
WELSH WITCH MUSIC; SONY/ATV SONGS LLC d/b/a
SONY/ATV ACUFF ROSE MUSIC; COMBINE MUSIC CORP.;
SPRING-TIME MUSIC, INC.; ZOMBA SONGS INC.;
PAUL A. GEORGE, LUCIEN GEORGE, CURTIS BEDEAU,
BRIAN GEORGE, GERARD CHARLES and HUGH CLARKE,
a partnership d/b/a FORCEFUL MUSIC; EMBASSY MUSIC;
JOHN CAFFERTY, JR. d/b/a JOHN CAFFERTY MUSIC;
FREDERICK S. BIENSTOCK and HAMMERSTEIN MUSIC &
THEATRE COMPANY, INC., a Connecticut partnership d/b/a
EDWARD B. MARKS MUSIC COMPANY; DANDELION
MUSIC CO., a division of JAMIE MUSIC PUBLISHING CO.;
STONE DIAMOND MUSIC CORP.; SHERYL SUZANNE CROW
d/b/a OLD CROW MUSIC; JEFF TROTT d/b/a TROTTSKY
MUSIC; UNIVERSAL-SONGS OF POLYGRAM
INTERNATIONAL, INC.; FUEL PUBLISHING INC. d/b/a
PENER PIG PUBLISHING; PAINTED DESERT MUSIC
CORPORATION,

Plaintiffs,

v.

GILLIAN'S SPORTS CAFÉ, INC. d/b/a GILLIAN'S SPORTS
CAFÉ and KIMBERLY A. WHITE and DAVID W. WHITE, each
individually,

Defendants.

04 NOV 30 AM 10:38

DISTRICT OF MASS.

MAGISTRATE JUDGE 9183

RECEIPT # _____
AMOUNT \$ 150.00
SUMMONS ISSUED 3
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 918
DATE 11/30/04

04 12514 NMG

Civil Action No.: _____

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 *et seq.* (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately 4.5 million copyrighted musical compositions (the "BMI repertoire"), including those which are alleged herein to have been infringed.

4. The other plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit. All plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Upon information and belief, Defendant Gillian's Sports Café, Inc. is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, which operates, maintains and controls an establishment known as Gillian's Sports Café, located at 1094 Bay Street, Taunton, Massachusetts 02780, in this district. In connection with the operation of this business, defendant Defendant Gillian's Sports Café, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

6. Defendant Gillian's Sports Café, Inc.'s agent for service of process is Timothy J. Cleary, Esq. at 18 Cottage Avenue, Quincy, MA 02169.

7. Plaintiffs are informed and believe that defendant Kimberly A. White is an officer of defendant Gillian's Sports Café, Inc., with primary responsibility for the operation and management of that corporation. She is a Massachusetts resident with an address at 3 Forge Road, Kingston, Massachusetts 02364.

8. Plaintiffs are informed and believe that defendant David W. White is an officer of defendant Gillian's Sports Café, Inc., with primary responsibility for the operation and management of that corporation. He is a Massachusetts resident with an address at 3 Forge Road, Kingston, Massachusetts 02364.

9. Plaintiffs are informed and believe that defendant Kimberly A. White has the right and ability to supervise the activities of defendant Gillian's Sports Café, Inc., and a direct financial interest in that company.

10. Plaintiffs are informed and believe that defendant David W. White has the right and ability to supervise the activities of defendant Gillian's Sports Café, Inc., and a direct financial interest in that company.

CLAIMS OF COPYRIGHT INFRINGEMENT

11. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 10.

12. Plaintiffs allege nineteen (19) claims of copyright infringement, based upon defendants' unauthorized public performance of musical compositions from the BMI repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against defendants.

13. Annexed as Schedule A hereto and incorporated herein is a list identifying the musical compositions whose copyrights are known to have been infringed by defendants. According to plaintiffs' information and belief, defendants have infringed copyright in other musical compositions and at other times in addition to those shown on Schedule A. Schedule A contains information on the nineteen claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition who are also the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the establishment where the infringement occurred. All references hereinafter to "Lines" are to lines on the Schedule.

14. Each of the musical compositions identified on the Schedule, Line 2, was created by the persons named on Line 3.

15. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

16. On the dates listed on Line 7, plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical

compositions listed on Line 2.

17. On the date(s) listed on Line 7, defendants performed and/or caused the musical compositions identified on Line 2 to be publicly performed on the premises of Gillian's Sports Café without a license or permission to do so. Thus, defendants have committed copyright infringement.

18. Defendants performed and/or caused such musical compositions to be publicly performed notwithstanding repeated warnings from plaintiff BMI that the performance on the premises of Gillian's Sports Café, without permission from the copyright owners, did and would constitute infringement of copyright in violation of Title 17 of the United States Code.

19. The specific acts of copyright infringement alleged, as well as defendants' entire course of conduct, have caused and are causing plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at Gillian's Sports Café, defendants threaten to continue committing copyright infringement. Unless this Court restrains defendants from committing further acts of copyright infringement, plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages per claim of infringement, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

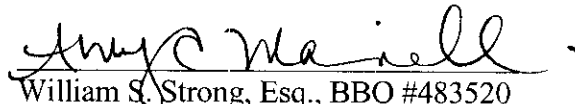
(IV) Plaintiffs have such other and further relief as is just and equitable.

Respectfully submitted:

Date: November 29, 2004

BROADCAST MUSIC, INC., et al,
Plaintiffs,

By their attorneys,

A handwritten signature in black ink, appearing to read "Amy C. Mainelli", is written over the printed name of Amy C. Mainelli.

William S. Strong, Esq., BBO #483520
Amy C. Mainelli, Esq., BBO#657201
KOTIN, CRABTREE & STRONG, LLP
One Bowdoin Square
Boston, Massachusetts 02114
Tel: (617) 227-7031
Fax: (617) 367-2988

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Bitch
Line 3	Writer(s)	Meredith Brooks; Shelly Peiken
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.; Hidden Pun Music, Inc.; Kissing Booth Music, Inc.; Totalled, Inc. d/b/a Sushi Too Music
Line 5	Date(s) of Registration	7-24-97
Line 6	Registration No(s).	PA 855-207
Line 7	Date(s) of Infringement	9/25/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	2
Line 2	Musical Composition	Blue Suede Shoes a/k/aTwo Toned Shoes
Line 3	Writer(s)	Carl Lee Perkins
Line 4	Publisher Plaintiff(s)	Carl Perkins Music, Inc.
Line 5	Date(s) of Registration	12/23/83 12/29/55
Line 6	Registration No(s).	Re 186-810 Eu 421018
Line 7	Date(s) of Infringement	9/16/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	3
Line 2	Musical Composition	Chain Of Fools
Line 3	Writer(s)	Don Covay
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Pronto Music, a division of Cotillion Music, Inc.
Line 5	Date(s) of Registration	12/6/67 3/4/68
Line 6	Registration No(s).	Eu 27646 Ep 244289
Line 7	Date(s) of Infringement	9/24/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	4
Line 2	Musical Composition	Crazy
Line 3	Writer(s)	Willie Nelson
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	3/6/89 10/16/61
Line 6	Registration No(s).	RE 422-869 Ep 156698
Line 7	Date(s) of Infringement	9/17/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	5
Line 2	Musical Composition	Everyday People
Line 3	Writer(s)	Sylvester Stewart
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	1/21/69
Line 6	Registration No(s).	Eu 99873
Line 7	Date(s) of Infringement	9/25/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	6
Line 2	Musical Composition	Free Bird
Line 3	Writer(s)	Allen Collins; Ron Van Zant
Line 4	Publisher Plaintiff(s)	Universal - Duchess Music Corporation; EMI Virgin Songs, Inc. dba EMI Longitude Music
Line 5	Date(s) of Registration	12/5/73 7/14/75
Line 6	Registration No(s).	Eu 450840 Ep 340382
Line 7	Date(s) of Infringement	9/17/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	7
Line 2	Musical Composition	Georgia On My Mind
Line 3	Writer(s)	Stuart Gorrell; Hoagy Carmichael
Line 4	Publisher Plaintiff(s)	Peermusic III Ltd.
Line 5	Date(s) of Registration	12/23/57 12/31/57
Line 6	Registration No(s).	R 205803 R 205347
Line 7	Date(s) of Infringement	9/17/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	8
Line 2	Musical Composition	Landslide
Line 3	Writer(s)	Stevie Nicks
Line 4	Publisher Plaintiff(s)	Stephanie Nicks, an individual d/b/a Welsh Witch Music
Line 5	Date(s) of Registration	6/30/75
Line 6	Registration No(s).	Eu 593046
Line 7	Date(s) of Infringement	9/17/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	9
Line 2	Musical Composition	Lil' Red Riding Hood
Line 3	Writer(s)	Ronald Blackwell
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Acuff Rose Music
Line 5	Date(s) of Registration	5/16/66
Line 6	Registration No(s).	Ep 216796
Line 7	Date(s) of Infringement	9/16/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	10
Line 2	Musical Composition	Me And Bobby McGee
Line 3	Writer(s)	Kris Kristofferson; Fred Foster
Line 4	Publisher Plaintiff(s)	Combine Music Corp.
Line 5	Date(s) of Registration	7/18/69
Line 6	Registration No(s).	Ep 260746
Line 7	Date(s) of Infringement	9/24/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	11
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	9/24/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	12
Line 2	Musical Composition	Naughty Girls a/k/a Naughty Girls Need Love Too
Line 3	Writer(s)	Lucien George, Jr.; Paul Anthony George; Brian P. George, Curtis T. Bedeau; Gerard R. Charles; Hugh L. Clarke
Line 4	Publisher Plaintiff(s)	Zomba Songs Inc.; Paul A. George, Lucien George, Curtis Bedeau, Brian George, Gerard Charles and Hugh Clarke, a partnership d/b/a Forceful Music
Line 5	Date(s) of Registration	9/18/87
Line 6	Registration No(s).	PA 344-415
Line 7	Date(s) of Infringement	9/16/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	13
Line 2	Musical Composition	On The Dark Side
Line 3	Writer(s)	John Cafferty
Line 4	Publisher Plaintiff(s)	Embassy Music; John Cafferty, Jr. d/b/a John Cafferty Music
Line 5	Date(s) of Registration	10/29/82
Line 6	Registration No(s).	PAU 457-827
Line 7	Date(s) of Infringement	9/17/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	14
Line 2	Musical Composition	Paradise By The Dashboard Light
Line 3	Writer(s)	James Steinman ak/a Jim Steinman
Line 4	Publisher Plaintiff(s)	Frederick S. Bienstock and Hammerstein Music & Theatre Company, Inc., a Connecticut Partnership d/b/a Edward B. Marks Music Company
Line 5	Date(s) of Registration	5/13/77 9/18/78
Line 6	Registration No(s).	Eu 785460 PA 13-430
Line 7	Date(s) of Infringement	9/16/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	15
Line 2	Musical Composition	She's Some Kind Of Wonderful a/k/a Some Kind Of Wonderful
Line 3	Writer(s)	J. Ellison a/k/a John Ellison
Line 4	Publisher Plaintiff(s)	Dandelion Music Co., a division of Jamie Music Publishing Co.
Line 5	Date(s) of Registration	6/5/67
Line 6	Registration No(s).	Ep 232189
Line 7	Date(s) of Infringement	9/25/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	16
Line 2	Musical Composition	Shotgun
Line 3	Writer(s)	Autry DeWalt
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	1/7/65
Line 6	Registration No(s).	Ep 196803
Line 7	Date(s) of Infringement	9/25/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	17
Line 2	Musical Composition	My Favorite Mistake
Line 3	Writer(s)	Sheryl Crow, Jeff Trott
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Sheryl Suzanne Crow d/b/a Old Crow Music; Jeff Trott d/b/a Trottsky Music
Line 5	Date(s) of Registration	8/5/98
Line 6	Registration No(s).	PA 988-981
Line 7	Date(s) of Infringement	9/25/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	18
Line 2	Musical Composition	Bad Day
Line 3	Writer(s)	Carl Bell
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.; Fuel Publishing Inc. d/b/a Pener Pig Publishing
Line 5	Date(s) of Registration	11/30/00
Line 6	Registration No(s).	PA 1-025-285
Line 7	Date(s) of Infringement	9/16/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Line 1	Claim No.	19
Line 2	Musical Composition	Ring Of Fire
Line 3	Writer(s)	June Carter; Painted Desert Music Corporation as employer for hire of Merle Kilgore
Line 4	Publisher Plaintiff(s)	Painted Desert Music Corporation
Line 5	Date(s) of Registration	11/23/90 9/17/62
Line 6	Registration No(s).	RE 498-587 Ep 167400
Line 7	Date(s) of Infringement	9/17/04
Line 8	Place of Infringement	Gillian's Sports Cafe

Rule 7.1 Statement

<u>Corporation</u>	<u>Parent Corporation</u>
Combine Music Corp.	The Entertainment Music Co., Inc.
Embassy Music	
EMI Blackwood Music, Inc.	Screen Gems-EMI Music, Inc.
EMI Longitude Music	Screen Gems-EMI Music Inc.
Painted Desert Music Corporation	Skidmore Music Company, Inc.
Peermusic III Ltd.	PSO Limited
Sony/ATV Acuff Rose Music	Sony Corporation Of America
Sony/ATV Tree Publishing	Sony Corporation Of America
Stone Diamond Music Corp.	EMI Music Publishing Inc.
Universal-Duchess Music Corporation	Vivendi Universal Entertainment LLLP
Universal-Songs Of Polygram International, Inc.	Vivendi Universal Entertainment LLLP
Warner-Tamerlane Publishing Corp.	Warner Bros. Inc.
Zomba Songs Inc.	Zomba Recording Corp.

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BROADCAST MUSIC, INC., et al

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Amy C. Mainelli, Esq.
Kotin, Crabtree & Strong, LLP
One Bowdoin Square
Boston, MA 02114 617-227-7031

DEFENDANTS

GILLIAN'S SPORTS CAFE, INC. d/b/a GILLIAN'S
SPORTS CAFE and KIMBERLY A. WHITE and DAVID
W. White, each individually
County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

04 12514 NMG

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

This is an action for copyright infringement, 17 USC §501. et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11-29-04

SIGNATURE OF ATTORNEY OF RECORD

Amy C. Mainelli

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) BROADCAST MUSIC, INC., et al v. GILLIAN'S SPORTS CAFE, INC. d/b/a GILLIAN'S SPORTS CAFE and KIMBERLY A. WHITE AND DAVID W. WHITE, each individually
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
- N/A
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☐ NO ☒
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☒ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Amy C. Mainelli, Esq., Kotin, Crabtree & Strong, LLPADDRESS One Bowdoin Square, Boston, MA 02114TELEPHONE NO. 617-227-7031